IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 31418 of 2007(M)

PETITIONER:

SURESH.T.T., L.D.CLERK,
TALUK SUPPLY OFFICE, KARTHIKAPPALLY AT HARIPAD,
ALAPPUZHA DISTRICT.

BY ADV. SRI.N.SUKUMARAN
SRI.S.SHYAM
SRI.N.K.KARNIS
SRI.SAJI VARGHESE KAKKATTUMATTATHIL

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY TO THE FOOD AND CIVIL SUPPLIES
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-
695 001.

2. DIRECTOR OF CIVIL SUPPLIES,
OFFICE OF THE COMMISSIONER OF CIVIL SUPPLIES,
THIRUVANANTHAPURAM-695 001.

3. DISTRICT SUPPLY OFFICER,
ALAPPUZHA-688 001.

4. TALUK SUPPLY OFFICER,
KARTHIKAPPALLY TALUK, HARIPAD,
ALAPPUZHA DISTRICT-690 514.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 31418 of 2007

Dated this the 23rd October, 2007

J U D G M E N T

The petitioner is working as a L.D.Clerk in the Civil Supplies Corporation. He was appointed in a supernumerary post under the Sports Quota. In Exhibit-P1 order of appointment, it is stated that the candidates appointed in supernumerary posts will be given a posting of their choice with a view to enable them to continue their sports and games activities. While so, petitioner is continuing at Haripad in Karthikappaly Taluk. Petitioner was included in the list of persons to be deputed to the Civil Supplies Corporation drawn up as aper Exhibit-P5. Petitioner has objected to the same by means of Exhibit-P6 representation before the Government. According to the petitioner, his service must be treated as duty in as much as that he was appointed under the Sports Quota and he must be given a posting where he is enabled to continue and pursue his sports without hindrance. In the circumstances, these aspects were brought to the notice of the Government under Exhibit-P6.

2. After having heard the learned Counsel for the

petitioner and Learned Government Pleader , this writ petition is disposed of directing the 1st respondent to consider Exhibit-P6 and take a decision thereon, after hearing the petitioner. In the facts and circumstances of the case, till a decision is taken by the Government, within a period of one month from the date of receipt of a copy of this judgment, considering the peculiar circumstances of the case, petitioner shall be permitted to continue in the present place of posting. I make it clear that I am not interfering with Exhibit-P5 order. It is upto the Government and Department to depute the petitioner to Civil Supplies Corporation , but subject to any special right that he may have as a person appointed against a supernumerary post and under the Sports Quota.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007